

### **Remarks**

#### **Preliminary Matters**

No Claims have been added; no Claims have been cancelled. No additional fees are required. If determined otherwise, the Office is authorized to charge Deposit Account No. 07-1077 for the amount.

Support for the amendments to Claim 8 comes from pages 21 and 22 of the specification, i.e., Examples 10-11 and Comparative Examples C3-C5.

#### **Summary of Telephonic Interview**

The undersigned appreciated the opportunity to address the current objection and rejections with Examiner Lenihan and Examiner Zemel on March 23, 2010. The discussion permitted the undersigned to understand the importance which the Office places upon the faster nucleation taught by the cited references, as compared with Applicant's method of use claims directed to using the specific combination of four nucleating agents to achieve faster crystallization growth. The undersigned particularly referred to Examples 10 and 11 and the considerable value of reducing cycle time in production by any percentage, let alone 22% as demonstrated by Examples 10-11. No agreement was reached as to any of the claims.

#### **Objection to Claim 8**

Applicant has amended Claim 8 from "consisting" to "consists" as suggested by the Office.

#### **§ 103 Rejection**

All pending claims were rejected applying the combination of Asuka, Takahashi et al., and Utz et al. This is a repeat rejection, and Applicant incorporates his prior response of June 23, 2009 into this response and offers additional remarks.

The amendments to Claim 8 clarify the patentable value of Applicant's invention. Examples 10-11, as compared with Comparative Examples C3-C5, demonstrate a truly unexpected reduction in cycle time for injection molding of the compounds of the invention. The addition of 0.55 weight percent of the combination of the four nucleating agents allows for a 22% percent reduction in cycle time in the injection molding process.

A person having ordinary skill in the art (PHOSITA), having access to the cited references, would not find obvious the claimed invention. Nothing in the Asuka reference teaches PHOSITA to employ a particular combination of four nucleating agents with a particular thermoplastic elastomer to reduce cycle time of injection molding that thermoplastic elastomer into a molded article.

Asuka teaches the making of film, not an *injection* molded article with a cycle time of *injection* molding which is 22% faster because of the use of the particular combination of nucleating agents found in Claim 8.

Asuka was trying to make transparent film, not an injection molded article.

Takahashi et al. as a secondary reference were making granules of nucleating agent in binder and metal soap for better dispersability of that masterbatch into polyolefin resin.

Utz et al. were making two-layer card stock with a printable top layer and a polymer bottom layer.

None of these references discloses or suggests an *injection* molded article, especially one which has a reduction in cycle time of 22%, even more especially a totally unexpected improvement in cycle time which can improve efficiency in a commercial molding operation, in a real-life situation, by as many as 813 per day, 5691 per week, ....

### Conclusion

In any walk of life, whether molding plastic articles or examining patent applications, an abrupt 22% increase in efficiency is entirely unexpected. That is revolutionary, not evolutionary. It is entitled to a grant of patent rights for that method of

10/565,719  
Adur  
GAU: 4171 (J. Lenihan)

use, employing a combination of four chemicals as nucleating agents. Applicant requests a Notice of Allowance for Claims 8, 10, 11, and 13-15.

Respectfully submitted by:

February 24, 2010  
Date

John H. Hornickel  
John H. Hornickel  
Registration No. 29,393

PolyOne Corporation  
33587 Walker Road  
Avon Lake, Ohio 44012

Telephone: 440-930-3317  
Fax: 440-930-3830  
John.Hornickel@PolyOne.com